Child Dependency Case in California: Homeschooling and Juvenile Court Orders for School Attendance

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Abstract

In an abuse and dependency case in 2008, it was disputed whether a juvenile court could order parents who insisted on homeschooling to let their children attend school. The Court of Appeal of the State of California decided that the juvenile court should issue the order stating that homeschooling was not permitted by state statute. However, at the rehearing in the same year, the court judged that homeschooling is allowed as attending a private school provided for in the statute, but that lawful homeschooling is nevertheless superseded by juvenile court orders for school attendance in child dependency cases.

In the United States of America, compulsory school attendance and its exemptions are set forth in the statutes of each state and these are interpreted in court cases. The Court of Appeal of the State of California had ruled in 1953 and in 1961 that homeschooling was not permitted. Although the legal basis for homeschooling is vague, more and more parents teach their children in their homes, and the government seems to have been interpreting this as a legal practice. The rehearing case in the Appellate Court in 2008, which cited the intention of the legislature in the amendment of the statute in 1998, was the first judgment to recognize the legality of homeschooling in California.

This paper introduces the case and places it in the context of the social system in the US. This case also raises the issue that inappropriate homeschooling may not be in the best interests of children, and sometimes may even violate their rights. In the US, homeschooling has prevailed owing to the viewpoint that parents have a right to determine the education of their children, as opposed to the power of the states to form its own compulsory education system. In some cases, however, attending school may be deemed more proper than homeschooling. Part time schooling of homeschooled children is a case in point. It may be time to consider ways of dealing with improper or unjustifiable incidences of homeschooling.